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7 IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
8 DIVISION II

9 IN RE PERSONAL RESTRAINT PETITION No.: 48341-6-II  
10 OF:  
11 WILLIAM W. LUMPKINS, **RESPONSE TO PERSONAL  
RESTRAINT PETITIONS**

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12  
13 **I. AUTHORITY FOR RESTRAINT OF PETITIONER.**

14 The Petitioner is restrained pursuant to the felony Judgment and Sentence entered in Grays  
15 Harbor Superior Court cause no. 15-1-126-7. Appendix A.

16 **II. RELIEF REQUESTED**

17 The Respondent respectfully requests that the Personal Restraint Petitions in this matter be  
18 denied.

19 **III. ISSUES PRESENTED**

- 20  
21 a. Was the Petitioner's right to a timely trial violated?  
22 b. Did the State fail to serve its response to Motion to Dismiss Pursuant to CrR 8.3 upon  
the Petitioner?  
23 c. Was evidence related to Petitioner's Illinois identification card improperly not  
admitted?  
24 d. Was the court's decision to not publish Petitioner's booking photo proper?  
25 e. Court's Denial of Request for a Continuance to Obtain Y-STR DNA Witness  
26 f. Was the trial court's ruling that precluded testimony regarding the victim's alleged  
prostitution proper?  
27 g. Was the video played by the State in closing arguments properly admitted?  
h. Allegation of Court's Bias  
i. Was S.S.'s testimony obtained by threat or promises?

1 j. Does “newly discovered evidence” entitle the Petitioner to a new trial?  
2

3 **IV. STATEMENT OF THE CASE**

4 The State relies on its recitation of facts presented in the Respondent’s Brief filed in the direct  
5 appeal in this matter.

6 **V. GROUNDS FOR RELIEF AND ARGUMENT**

7 Relief through a personal restraint petition is extraordinary. *In re Pers. Restraint of Coats*, 173  
8 Wn.2d 123, 132, 267 P.3d 324 (2011). It is not a substitute for an appeal. *In re Pers. Restraint of*  
9 *Hagler*, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982). Collateral relief is limited because it “undermines  
10 the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs  
11 society the right to punish admitted offenders.” *Id.*

12  
13 An appellate court will reach the merits of a personal restraint petition only after the petitioner  
14 makes a threshold showing of (1) constitutional error from which he has suffered actual and  
15 substantial prejudice, or (2) non-constitutional error constituting a fundamental defect that inherently  
16 resulted in a complete miscarriage of justice. *In re Pers. Restraint of Davis*, 152 Wn.2d 647, 671-72,  
17 101 P.3d 1 (2004) (quoting *In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990)).  
18 A petitioner’s compliance with this “threshold burden” is mandatory, and the appellate court will  
19 refuse to address the merits of the petition in the absence of such compliance. *Cook*, 114 Wn.2d at  
20 814 (citing *In re Pers. Restraint of Williams*, 111 Wn.2d 353, 365, 759 P.2d 436 (1988)).

21  
22 The petitioner bears the burden of showing prejudicial error by a preponderance of the  
23 evidence. *In re Pers. Restraint of Lord*, 152 Wn.2d 182, 188, 94 P.3d 952 (2004) (citing *Cook*, 114  
24 Wn.2d at 813-14)). Bare assertions unsupported by references to the record, citation to authority, or  
25 persuasive reasoning cannot sustain the petitioner’s burden of proof. *State v. Brune*, 45 Wn. App.  
26 354, 363, 725 P.2d 454 (1986). “Where the record does not provide any facts or evidence on which to  
27

1 decide the issue and the petition instead relies on conclusory allegations, a court should decline to  
2 determine the validity of a personal restraint petition.” *Cook*, 114 Wn.2d at 814 (citing *Williams*, 111  
3 Wn.2d at 365).

4 This Court should refuse to reach the merits of Lumpkins’s petition because he has failed to  
5 meet the required threshold burden of establishing both error and prejudice.  
6

7 a. **Was the Petitioner’s right to a timely trial violated?**

8 **No, the initial filing of the case into District Court was proper.**

9 The State initially filed this matter as a preliminary felony into Grays Harbor District court,  
10 pursuant to CrRLJ 3.2.1. The Petitioner claims that he was “in custody without bail,” and that the  
11 State violated CrR 3.3 because he was not brought to trial within 60 days of this District Court filing.  
12 Pro Se PRP at 3; PRP at 10. However, he points to no facts or legal authority to support this  
13 contention.  
14

15 The Petitioner was arrested on Friday, February 20, 2015 and booked into the Aberdeen Jail.  
16 A determination of probable cause was signed by Judge David L. Edwards on February 21, 2015.  
17 Attachment B. The Petitioner was transferred to the county jail and booked on Monday, February 23,  
18 2015 at 1:00 PM. Attachment C.

19 On February 24, 2015, the State filed a Preliminary Felony Criminal Complaint into Grays  
20 Harbor District Court alleging Rape in the First Degree, under cause number 2015057. Attachment D.  
21 The Petitioner was seen the same day by District Court Judge Copland, an attorney was appointed  
22 and bail was set at \$100,000. Attachment E. A preliminary hearing was set for March 10, 2015. On  
23 March 10, 2015, the Petitioner appeared with retained counsel and the hearing was continued to  
24 March 24, 2015. On March 24, 2015 the court dismissed the Preliminary Complaint without  
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26  
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1 prejudice after the State re-filed the matter into Grays Harbor Superior Court under cause number 15-  
2 1-126-7. Attachment F.

3 CrRLJ 3.2.1 sets out the procedure for filing felony matters into District Court. This requires a  
4 probable cause determination within 48 hours of the person's arrest. CrRLJ 3.2.1(a). The rules also  
5 require that "[u]nless an accused has appeared or will appear before the superior court for a  
6 preliminary appearance, any accused detained in jail must be brought before a court of limited  
7 jurisdiction as soon as practicable after the detention is commenced, but in any event before the close  
8 of business on the next court day." CrRLJ 3.2.1(d). At this preliminary appearance, an attorney shall  
9 be provided pursuant to CrRLJ 3.1, the Petitioner shall be advised of the charge against him and his  
10 rights. The court must also address issues of bail and release. CrRLJ 3.2.1(e).

11  
12 The State has 72 hours from the Petitioner's detention to file a complaint, information, or  
13 indictment. Saturdays, Sundays, and holidays are excluded from this computation. CrRLJ 3.2.1(f).  
14 The court then may conduct a preliminary hearing to determine whether or not the Petitioner should  
15 be bound over to the Superior Court. The State can still directly file into Superior Court at any time.  
16 CrRLJ 3.2.1(g). The time elapsed from filing a complaint in District Court to the filing of an  
17 information in Superior Court shall not exceed thirty days unless the parties stipulate to an extension.  
18 CrRLJ 3.2.1(1)(g)(2).

19  
20 In this case, the procedure was followed properly. A finding of probable case was made  
21 within the initial 48 hour period. The Petitioner was booked at 1:10:00 PM on February 23, 2015 and  
22 was seen in District Court on the next judicial day. The court again found probable cause, read the  
23 Petitioner his rights and the charge, and appointed counsel. The State filed the written complaint prior  
24 to this hearing. The matter spent less than 30 days in District Court when it was properly filed into  
25 the Superior Court.  
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1           There was no violation of the Petitioner's time for trial rights and his petitions, on this basis,  
2 should be denied.

3           **b. Did the State fail to serve its response to Motion to Dismiss Pursuant to CrR 8.3**  
4           **upon the Petitioner?**

5           **No, the evidence shows that the Petitioner was served in this matter.**

6           The Petitioner claims that he was not served with a copy of the State's Response to his  
7 motion to dismiss. Pro Se PRP at 4; PRP at 3. The relevant motion was argued on August 6, 2015.  
8 Appendix G. At this hearing, trial counsel did not make any claim that he had not received the State's  
9 briefing, even though it was discussed on the record. 8/6/2015 VRP at 14-15.

10           The Petitioner does not offer any authority or argument to prove this assertion or to show how  
11 this was prejudicial to him. Bare assertions and conclusory allegations are not sufficient to require  
12 judicial consideration and discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086,  
13 *cert. denied*, 506 U.S. 958, 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on  
14 this basis.  
15

16  
17           **c. Was evidence related to Petitioner's Illinois identification card improperly not**  
18           **admitted?**

19           **No, there was no proper purpose for the purported evidence.**

20           The Petitioner claims that the trial court excluded evidence "...that would show that Detective  
21 Cox "stole" an identification car from Mr. Lumpkin's [sic] apartment...in November 2014..." Pro Se  
22 PRP at 4; PRP at 3. This evidence was admitted without objection at trial. 10/15/2015 VRP at 226-  
23 227.

24           Later, while questioning the Petitioner, trial counsel tried to ask about the exact circumstances of  
25 the warrant that was served by Detective Cox when the ID card was obtained. 10/15/2015 VRP at  
26  
27

1 321-322. Argument was heard outside the presence of the jury. The court asked the purpose of  
2 getting into the circumstances of the warrant, defense counsel stated:

3 MR. JOHNSON: Detective Cox got on the stand and he was the person that served the  
4 warrant on my client in November. At that time, that is when he obtained the ID card  
5 that -- or right now, into evidence. And I wanted to question Mr. Lumpkins on where  
6 it came from and how old is it.

7 MR. JOHNSON: Well, I am trying to get to the ID card.

8 THE COURT: And were you trying to show that he was falsely accused of something  
9 on November 28th?

10 MR. JOHNSON: That's correct.

11 THE COURT: If so, that's not relevant.

12 10/15/2015 VRP at 322-323

13 The Petitioner does not provide any facts or authority to support that the ID card was not  
14 lawfully seized by the Aberdeen Police Department. He references an inventory list, but does not  
15 provide it. PRP at 3. He does not show any competent evidence that he was falsely accused of any  
16 crime, nor how that would have been prejudicial to him in the case at bar.

17 Bare assertions and conclusory allegations are not sufficient to require judicial consideration  
18 and discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, cert. denied, 506 U.S.  
19 958, 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on this basis.

20  
21 d. **Was the court's decision to not publish Petitioner's booking photo proper?**

22  
23 **Yes, it was within the court's discretion and the exhibit was sent to the jury**  
24 **during deliberations.**

25 The Petitioner complains that the court denied defense counsel's motion to publish the  
26 Petitioner's booking photo to the jury during trial. Pro Se PRP at 4; PRP at 3. However, this photo  
27 was admitted into evidence and went back to the jury for use during deliberation. 10/16/2015 VRP at

1 272-273, 353. Again, the Petitioner does not make any showing that this decision, which is clearly  
2 within the court's discretion, was prejudicial. The Petitions should be denied on this basis.

3 **e. Court's Denial of Request for a Continuance to Obtain Y-STR DNA Witness**

4 This issue was raised in the direct appeal and the State will rely on its earlier response  
5 regarding this matter. The Petitioner does not raise any new facts or authority in his petitions.  
6

7 **f. Was the trial court's ruling that precluded testimony regarding the victim's  
8 alleged prostitution proper?**

9 **Yes, it had no legitimate purpose and was precluded by the Rape Shield Statute.**

10 The State made a motion in limine that there would be no reference to the victim having  
11 worked as a prostitute. The Petitioner is relied on an alibi defense, so consent was not an issue, and  
12 any mention of her previous prostitution would be precluded by the Rape Shield Statute, 9A.44.020<sup>1</sup>.  
13 Evidence of sexual mores contrary to community standards is inadmissible for general purpose of  
14 attacking rape victim's credibility and is admissible to prove victim's consent only in limited  
15 circumstances. *State v. Gallegos*, 64 Wash.App. 230, 237, 828 P.2d 37, 41 (1992); see RCW  
16 9A.44.020.

17 The purpose of the Rape Shield Statute is to prevent prejudice arising from promiscuity  
18 and by suggesting a logical nexus between chastity and veracity. *State v. Sheets*, 128 Wash.App. 149,  
19 155, 115 P.3d 1007, 1007 (2005); citing *State v. Peterson*, 35 Wash.App. 481, 485, 667 P.2d 645  
20 (1983). Further, RCW 9A.44.020(3) requires a written pretrial motion and an offer of proof by the  
21 defense to allow the victim's sexual history to be admissible. In this case, the defense has made no  
22 such motion, and in the absence of such a motion and offer of proof this information must be  
23 suppressed.

24 The Petitioner complains that this evidence was not permitted; however, he does not offer any  
25 authority that it is admissible evidence. Pro Se PRP at 3; PRP at 5. He cannot show any prejudice  
26 from this ruling. Bare assertions and conclusory allegations are not sufficient to require judicial

27 <sup>1</sup> Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or  
general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is inadmissible on the  
issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section...  
RCW 9A.44.020(2)

1 consideration and discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, *cert.*  
2 *denied*, 506 U.S. 958, 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on this  
3 basis.

4 g. **Was the video played by the State in closing arguments properly admitted?**

5 **Yes, the exhibit was admitted during Detective Weiss's testimony.**

6  
7 The Petitioner asserts that the Stated played a video for the jury "...that was not admitted into  
8 evidence." Pro Se PRP at 5; PRP at 2. During closing arguments, the State played the video that was  
9 taken in the Aberdeen Police Department during the collection of the Petitioner's clothing.  
10 10/16/2015 VRP at 377-378. This video was identified by Detective Weiss and admitted without  
11 objection. 10/16/2015 VRP at 258-259. The assertion of the Petitioner is completely baseless and the  
12 petitions should be denied on this basis.

13 h. **Did the trial court show a racial bias in the Petitioner's case?**

14 **No, counsel does not cite even one specific instance that would remotely support**  
15 **such a claim.**

16 Trial counsel makes a serious allegation that "...the process of trial...showed racial bias and  
17 prejudice to the degree that Mr. Lumpkins did not receive a fair trial nor due process." PRP at 6. This  
18 is an incendiary allegation; however, counsel does not provide one specific reference to the record  
19 that would support such a claim. Further, he does not file a declaration to outline any specific  
20 instance of conduct by the court that could be construed as inappropriate. This allegation is patently  
21 false and outrageous.

22  
23 Bare assertions and conclusory allegations are not sufficient to require judicial consideration  
24 and discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, *cert. denied*, 506 U.S.  
25 958, 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on this basis.  
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1  
2 i. Was S.S.'s testimony obtained by threat or promises?

3 No, there is no evidence that S.S. received any benefit, nor was she promised any  
4 punishment regarding her testimony.

5 The Petitioner claims that new evidence has been discovered that "...in exchange for SS'  
6 [sic] testimony she did not have to go to jail for 30 days. Here, SS had to testify for the state [sic] or  
7 would have to go to jail for 30 days." PRP at 9. This allegation is based upon the two declarations  
8 obtained 1.5 years after the rape occurred. PRP Appendices B and D.

9 The declaration of Jennifer Gonzalez in Appendix B is especially suspect. She claims that she  
10 saw S.S. at about 2 or 3 AM on the night of the rape. However, when Detective Weiss came on duty  
11 at 7 AM, S.S. was still in the hospital. 10/15/2015 VRP at 238.

12 In any event, S.S.'s testimony was unrelated to her in-custody status. Appendix H. She was  
13 in-custody on matters unrelated to the Petitioner's trial and there was no promise or threat made to  
14 induce her to testify. Appendix H.

15 Bare assertions and conclusory allegations are not sufficient to require judicial consideration  
16 and discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, cert. denied, 506 U.S.  
17 958, 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on this basis.

18  
19  
20 j. Does "newly discovered evidence" entitle the Petitioner to a new trial?

21 No, this "evidence" is irrelevant and does not bear on the verdict in the case at  
22 bar.

23 The Petitioner claims that the declarations provided from several acquaintances prove "there  
24 was no rape." PRP at 4. These declarations do not contradict the evidence that was presented at trial,  
25 nor can they explain the DNA evidence that was found in the Petitioner's underwear. While counsel  
26  
27

1 tries to make the leap that S.S. was with another man, he admits that “no one saw a black man  
2 walking with S.S.” PRP at 4. These are irrelevant to the case at bar.

3 The Petitioner does not offer any authority or analysis as to how this evidence would have  
4 changed the outcome of the trial, or how he was prejudiced by not having it at the time of trial. Bare  
5 assertions and conclusory allegations are not sufficient to require judicial consideration and  
6 discussion in a PRP. *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, *cert. denied*, 506 U.S. 958,  
7 113 S.Ct. 421, 121 L.Ed.2d 344 (1992). The Petitions should be denied on this basis.  
8

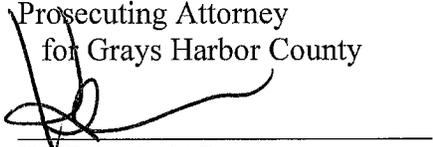
9  
10 **VI. CONCLUSION**

11 The petitions in this matter fail to engage in any meaning legal analysis. The Petitioner  
12 instead relies on bare assertions and conclusory statements. There is simply no coherent argument  
13 offered that would justify relief.

14 The Petitioner has failed to show any prejudice that would justify the extraordinary remedy of  
15 disturbing the finality of this case at this juncture. The verdict and sentence should be affirmed and  
16 the petition should be denied.  
17

18 DATED this 24 day of July, 2017.

19 KATHERINE L. SVOBODA  
20 Prosecuting Attorney  
21 for Grays Harbor County

22   
23 \_\_\_\_\_  
24 WSBA #34097  
25  
26  
27

# Appendix A

2015 DEC -4 PM 1:18

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

State of Washington,

Plaintiff,

vs.

WILLIAM W. LUMPKINS,

Defendant,

PCN:

SID:

DOB: 06-21-1981

No. 15-1-126-7

Felony Judgment and Sentence -- Prison

RCW 9.94A.507 Prison Confinement  
(Sex Offense and Kidnapping of a Minor)

(FJS)

Clerk's Action Required, para 2,1, 4.1,  
4.3a, 4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7

Defendant Used Motor Vehicle

Juvenile Decline  Mandatory

Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon jury-verdict (date) October 16, 2015:

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	RAPE IN THE FIRST DEGREE	9A.44.040(1)(c)	FA	02-20-15
2	ASSAULT IN THE SECOND DEGREE	9A.36.021(1)(a) and (g)	FA	02-20-15

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1a.

The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.

The jury returned a special verdict or the court made a special finding with regard to the

104

following:

- The defendant acted with sexual motivation in committing the offense in Count 2.  
RCW 9.94A.835.

**2.2 Criminal History (RCW 9.94A.525):**

CRIME	DATE OF CRIME	DATE OF SENTENCE	SENTENCING COURT (County and State)	A or J Adult, Juvenile	TYPE OF CRIME	Points
Negligent Driving 1st	06/06/14	10/26/14	Aberdeen Municipal 4Z0135153	A	M	
Fail to ID/False Info.	07/20/07	10/17/07	Bexar, TX 222958	A	GM/M	
Violation of Protection Order	03/19/10	04/28/10	Kankahee, IL CM000345	A	GM/M	
Domestic Battery	07/11/09	08/05/09	Kankahee, IL CM000971	A	GM/M	
Malicious Mischief /	04/02/00	11/14/00	Kankahee, IL CM000570	A	GM/M	
Knowingly Damage Property	07/06/09	08/05/09	Kankahee, IL CF001069	A	GM/M	
Forgery	06/11/07	11/28/07	Bexar, TX 2007CR10322B	A	F	1
Residential Burglary	11/19/01	02/27/02	Kankahee, IL CF000624	A	F	1

\* DV:Domestic Violence was pled and proved.

**2.3 Sentencing Data:**

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	5	XII	138-184 months to Life	NONE	138-184 months to Life	Life
2	5	IV	22-29 months	24 months (SM)	46-53 months to Life	Life

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing

agreements or plea agreements are  attached  as follows: 184 months to Life; 53 months to Life.

2.4  **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

below the standard range for Count(s) \_\_\_\_\_.

above the standard range for Count(s) \_\_\_\_\_.

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury, by special interrogatory.

within the standard range for Count(s) \_\_\_\_\_, but served consecutively to Count(s) \_\_\_\_\_.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

2.5 **Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

The defendant has/will have the ability to pay restitution and legal financial obligations in the future.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

\_\_\_\_\_

The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

(Name of agency) \_\_\_\_\_'s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

2.6  **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

The court considered the following factors:

the defendant's criminal history.

whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

evidence of the defendant's propensity for violence that would likely endanger persons.

other: \_\_\_\_\_

The court decided the defendant  should  should not register as a felony firearm offender.

III. Judgment

3.1 The defendant is guilty of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) Confinement. RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

\_\_\_\_\_ months on Count \_\_\_\_\_

\_\_\_\_\_ months on Count \_\_\_\_\_

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

The confinement time on Count 2 includes 24 months as enhancement for  firearm  deadly weapon  sexual motivation  VUCSA in a protected zone  manufacture of methamphetamine with juvenile present  sexual conduct with a child for a fee.

Actual number of months of total confinement ordered is: \_\_\_\_\_.

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): \_\_\_\_\_.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_.

(b) Confinement. RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count 1 minimum term: 184 months maximum term: Statutory Maximum

Count 2 minimum term: 53 months maximum term: Statutory Maximum

(c) Confinement. RCW 10.95.030 (Aggravated murder and under age 18.) The court orders the following:

Count \_\_\_\_\_ minimum term: \_\_\_\_\_ maximum term: Life

Count \_\_\_\_\_ minimum term: \_\_\_\_\_ maximum term: Life

- (d) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.
- (e)  **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

**4.2 Community Custody.** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:

- Count(s) \_\_\_\_\_ 36 months Sex Offenses
- Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses
- Count(s) \_\_\_\_\_ 18 months for Violent Offenses
- Count(s) \_\_\_\_\_ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For count(s) **1 and 2**, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

- not possess or consume alcohol.
- not possess or consume controlled substances, including marijuana, without a valid prescription.
- have no contact with: S.S.

remain  within  outside of a specified geographical boundary, to wit:

not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.

participate in an education program about the negative costs of prostitution.

participate in the following crime-related treatment or counseling services:

undergo an evaluation for treatment for  domestic violence  substance abuse  mental health  anger management, and fully comply with all recommended treatment.

comply with the following crime-related prohibitions: No crimes against persons.

Other conditions:

- Follow all sex offender registration requirements;
- Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a State-certified therapist approved by his/her CCO;
- Submit to polygraph examinations to monitor compliance with conditions and/or treatment at the direction of CCO and/or therapist. Must not be found deceptive;

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.
- (iii) If the defendant violates the conditions of community custody, the Board may return the defendant to confinement for up to the remainder of the court-imposed term of

incarceration.

**4.3a Legal Financial Obligations:** The defendant shall pay to the clerk of this court:

JASS CODE

<i>PCV</i>	\$ <u>500.00</u>	Victim assessment	RCW 7.68.035
<i>PDV</i>	\$ _____	Domestic Violence assessment	RCW 10.99.080
	\$ _____	Violation of a DV protection order (\$15 mandatory fine)	
		RCW 26.50.110	
<i>CRC</i>	\$ <u>200.00</u>	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee	\$ _____ FRC
		Witness costs	\$ _____ WFR
		Sheriff service fees	\$ _____ SFR/SFS/SFW/WRF
		Jury demand fee	\$ _____ JFR
		Extradition costs	\$ _____ EXT
		Other	\$ _____
<i>PUB</i>	\$ <u>575.00</u>	Fees for court appointed attorney	RCW 9.94A.760
<i>WFR</i>	\$ _____	Court appointed defense expert and other defense costs	
		RCW 9.94A.760	
<i>FCM/MTH</i>	\$ _____	Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency	RCW 69.50.430
<i>CDF/LDI/FCD</i>	\$ _____	Drug enforcement fund of Grays Harbor Inter-Agency Drug Task Force Fund	RCW 9.94A.760
<i>NTF/SAD/SDI</i>			
<i>CLF</i>	\$ _____	Crime lab fee [ ] suspended due to indigency	RCW 43.43.690
	\$ <u>100.00</u>	DNA collection fee	RCW 43.43.7541
<i>FPV</i>	\$ _____	Specialized forest products	RCW 76.48.171
<i>PPI</i>	\$ _____	Trafficking/Promoting prostitution/Commercial sexual abuse of minor fee (may be reduced by no more than two thirds upon a finding of inability to pay.)	RCW 9A.40.100, 9A.88.120, 9.68A.105
	\$ _____	Fee for Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (\$1,000 fee for each separate conviction)	RCW 9.68A.070
	\$ _____	Other fines or costs for: _____	
<i>DEF</i>	\$ _____	Emergency response costs ( \$1,000 maximum, \$2,500 max. effective Aug. 1, 2012.)	RCW 38.52.430
		Agency: _____	
	\$ <u>TBD</u>	Restitution to: <u>S.S</u>	
	\$ _____	Restitution to: _____	
<i>RTN/RJN</i>	\$ _____	Restitution to: _____	
		(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)	
	\$ _____	<b>Total</b>	RCW 9.94A.760

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor.

is scheduled for \_\_\_\_\_ (date).

The defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

Restitution Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant    Cause Number    (Victim's name)    (Amount-\$)

RJN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$\_\_\_\_\_ per month commencing \_\_\_\_\_ . RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$\_\_\_\_\_ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.3b  **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring in the amount of \$\_\_\_\_\_.

4.4 **DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate

agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

**HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

**4.5 No Contact:**

The defendant shall not have contact with \_\_\_\_\_ S.S. \_\_\_\_\_  
(name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE. (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within \_\_\_\_\_  
(distance) of:  \_\_\_\_\_ (name of protected person(s))'s  
 home/ residence  work place  school  (other location(s))

\_\_\_\_\_, or  
 other location: \_\_\_\_\_,  
for \_\_\_\_\_ years. (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, Stalking No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

**4.6 Other:**

**4.7 Off-Limits Order:** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_

**4.8 Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

**V. Notices and Signatures**

**5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

**5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the

criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

**5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

**5.4 Community Custody Violation.**

(a) If you are subject to a violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 30 days of confinement per violation. RCW 9.94A.633(1).

(b) If you have not completed your maximum term of total confinement and you are subject to a violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.633(2)(a).

**5.5a Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

**5.5b  Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

**5.6 Sex and Kidnapping Offender Registration.** RCW 9A.44.128, 9A.44.130, 10.01.200.

**1. General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

While in custody, if you are approved for partial confinement, you must register when you transfer to partial confinement with the person designated by the agency that has jurisdiction over you. You must also register within three business days from the end of partial confinement or release from confinement with the sheriff of the county where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

**2. Offenders Who are New Residents, Temporary Residents, or Returning Washington Residents:** If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state. If you are visiting and intend to reside or be present 10 or more days in Washington, then you must register the location where you plan to stay or your temporary address with the sheriff of each county where you will be staying within three business days of your arrival.

**3. Change of Residence Within State:** If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

**4. Leaving the State or Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

**5. Travel Outside the United States:** If you intend to travel outside the United States, you must provide signed written notice of the details of your plan to travel out of the country to the sheriff of the county where you are registered. Notice must be provided at

least 21 days before you travel. Notice may be provided to the sheriff by certified mail, with return receipt requested, or in person.

If you cancel or postpone this travel, you must notify the sheriff within three days of canceling or postponing your travel or on the departure date you provide in your notice, whichever is earlier.

If you travel routinely across international borders for work, or if you must travel unexpectedly due to a family or work emergency, you must personally notify the sheriff at least 24 hours before you travel. You must explain to the sheriff in writing why it is impractical for you to comply with the notice required by RCW 9A.44.130(3).

**6. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

**7. Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

**8. Application for a Name Change:** If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

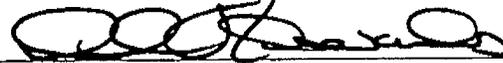
5.7  **Department of Licensing Notice:** The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or**

**Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):**

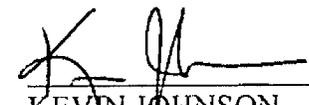
- Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of \_\_\_\_.
- No BAC test result.
- BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- Drug Related. The defendant was under the influence of or affected by any drug.
- THC level was \_\_\_\_ within two hours after driving.
- Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.
- Vehicle Info.:  Commercial Veh.;  16 Passenger Veh.;  Hazmat Veh..

5.8 Other: \_\_\_\_\_

Done in Open Court and in the presence of the defendant this date: December 4, 2015

  
\_\_\_\_\_  
Judge F. Mark McCauley / David L. Edwards / Stephen E. Brown

  
\_\_\_\_\_  
KATHERINE L. SVOBODA  
Prosecuting Attorney  
WSBA No. 34097

  
\_\_\_\_\_  
KEVIN JOHNSON  
Attorney for Defendant  
WSBA No.

  
\_\_\_\_\_  
WILLIAM W. LUMPKINS  
Defendant

**Voting Rights Statement:** I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: \_\_\_\_\_

**I. Identification of the Defendant**

SID No. + 359-70-9319 Date of Birth 06-21-1981  
 (If no SID complete a separate Applicant card (form FD-258) for State Patrol)

FBI No. \_\_\_\_\_ Local ID No. \_\_\_\_\_  
 PCN No. \_\_\_\_\_ Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

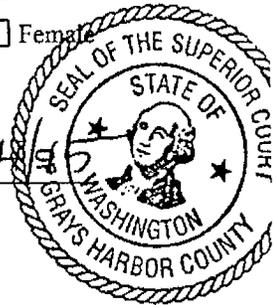
**Race:**  Asian/Pacific Islander  Black/African-American  Caucasian  
 Native American  Other: \_\_\_\_\_

**Ethnicity:**  Hispanic  Non-Hispanic

**Sex:**  Male  Female

**Fingerprints:** I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, [Signature] Dated: 12/4



**The defendant's signature:** Walter Lempert

Left four-fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF GRAYS HARBOR**

STATE OF WASHINGTON	)	Cause No.: 15-1-126-7	
	)		
	Plaintiff	)	JUDGEMENT AND SENTENCE (FELONY)
	v.	)	APPENDIX F
Lumpkins, William	)	)	ADDITIONAL CONDITIONS OF SENTENCE
	Defendant	)	
	)		
DOC No. 386626	)		

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**CRIME RELATED PROHIBITIONS:**

Defendant shall comply with the following conditions during the term of community placement or community custody:

Comply with all conditions of community custody/placement as imposed by the Department of Corrections (DOC) and his/her community corrections officer (CCO);

Report to, and be available for contact with the assigned community corrections officer as directed;

Must notify community corrections officer of any change in address or employment;

Receive prior approval for living arrangements and residence location;

Participate in or work at a Department of Corrections-approved employment, education, and/or community service program;

Register as a sex offender with the sheriff's office in the county in which you reside immediately following sentencing, or your release from confinement, and shall abide by all requirements of the Sex Offender Registration Law when changing addresses;

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Page 1 of 3

**Remain within geographic boundary, as set forth in writing by the Community Corrections Officer;**

**Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));**

**Obey all municipal, county, state, federal, and tribal laws;**

**Must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence, in which the offender lives or has exclusive/joint control/access;**

**Do not consume controlled substances except pursuant to lawfully issued prescriptions;**

**Do not unlawfully possess controlled substances;**

**Do not use or possess illegal or controlled substances without the written prescription of a licensed physician. To verify compliance, submit to random urinalysis testing and reasonable searches of your person, residence, personal property, and vehicle, as directed by the supervising Community Corrections Officer;**

**Submit to urinalysis testing as directed by Community Corrections Officer.**

**Do not enter into any bars, taverns or cocktail lounges;**

**Do not possess or consume any alcohol. Submit to Breathalyzer testing as directed by your supervising Community Corrections Officer;**

**Pay community placement fees as determined by the Department of Corrections;**

**Pay all court ordered Legal Financial Obligations and Restitution as determined by the Department of Corrections;**

**Enter into and successfully complete sexual deviancy therapy as directed by your Community Corrections Officer;**

**Do not change therapist's without prior approval of your supervising Community Corrections Officer and the Court;**

**Abide by all rules of the treatment program and community custody as well as any additional rules the therapist and/or Community Corrections Officer deem appropriate;**

**Remain within or outside any geographic boundaries specified by the treatment provider and/or Community Corrections Officer;**

**Do not possess or peruse any sexually explicit materials, as defined by your therapist or Community Corrections Officer, unless given prior approval by your therapist or Community Corrections Officer;**

**Avoid places where minors are known to congregate without the specific permission of the Community Corrections Officer (including, but not limited to, fast food establishments, shopping**

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malls, parks, play grounds, schools, video arcades, etc.);

Inform the Community Corrections Officer of any romantic relationships to verify that there are no minors involved and that the adult is aware of your crime and conditions of supervision;

Hold no position of authority or trust involving minor children;

Do not attend X-rated movies, peep shows, or adult bookstores without the approval of the sexual deviancy therapist or Community Corrections Officer;

Notify your employer regarding your history of sexual deviancy and rules and regulations regarding children and legal status;

Submit to DNA and HIV testing as required by law, and as directed by your supervising Community Corrections Officer;

Have no contact with minors unless in the presence of a responsible adult who has been approved as a chaperone by the supervising Community Corrections Officer and the treatment provider;

Have no contact with the victim or victims of your offense;

Submit to, and successfully pass, polygraph testing as required by your supervising Community Corrections Officer, may not be found deceptive and must be found truthful during all polygraph examinations;

Answer all questions posed by sex offender treatment evaluator, polygrapher, and CCO;

Give complete description of all sexual activity to evaluator, polygrapher, and CCO;

Pay for all counseling services/therapy costs for your victim's, which are incurred as a result of your offense.

**AFFIRMATIVE CONDUCT REQUIREMENTS: (First Time Offender Waiver Only)**

12/4/15

DATE



JUDGE, DAVID EDWARDS COUNTY SUPERIOR COURT

Dustin Richey / Dustin Richey / 09-130.doc  
8/29/13

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11/13/2015  
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# Appendix B

SUPERIOR /DISTRICT COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

WILLIAM LUMPKINS

DOB: 6/21/81

Defendant(s).

No.: \_\_\_\_\_

DETERMINATION OF  
PROBABLE CAUSE

THIS MATTER having come before the undersigned Judge of the aforementioned Court for determination of probable cause, and the Court having received the materials provided by the Grays Harbor County Prosecuting Attorney's Office, to wit:

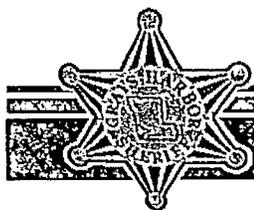
DEC OF WM A LUMPKINS

And based upon the above, the Court finds probable cause to determine that the above-named defendant(s) has/have committed the offense(s) of RAVE 1<sup>o</sup>

DATED: 2/21/15

  
\_\_\_\_\_  
JUDGE

# Appendix C



# Grays Harbor County

## Sheriff's Department

Corrections Division

**LUMPKINS, WILLIAM W**

Book# 209796

ID: 119978

Male, Age: 34

Bookings

- [Daily Releases](#)
- [Daily Register](#)
- [Daily Bookings](#)
- [Visiting Hours](#)

Visiting Hours For Class: GP - Males

Bail Bond Companies

<p><u>Around The State</u> <u>Aberdeen Muni Ctr</u></p> <p><u>Pierce Co.</u> <u>King Co.</u> <u>Snohomish Co.</u> <u>Skagit Co.</u> <u>Lewis Co.</u></p>	<p><b>Booked</b> 2/23/2015 1:10:00 PM</p> <p><b>Released</b> 3/24/2015 11:00:00 PM</p>	<p><b>Statute:</b> <u>9A.44.040</u> - Rape 1 <b>Offense:</b> RAPE - Rape</p> <p><b>Arrest Type:</b> PC <b>Charging Agency:</b> APD-Aberdeen Police Department <b>Agency:</b> <b>Court:</b> DC1-Grays Harbor District Court 1 <b>Cause No:</b> 2015057 <b>Bail Amount:</b> \$100,000.00 <b>Disposition:</b> DIS-Dismissed</p>	<p>Seq# 1</p>
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<p><u>Inmate History</u></p>	<p><b>Booked</b> 3/24/2015 11:00:00 PM</p>	<p><b>Statute:</b> <u>9A.44.040</u> - Rape 1 <b>Offense:</b> WARA - Warrant Arrest</p> <p><b>Arrest Type:</b> WAR <b>Charging Agency:</b> GHCJ-Grays Harbor County Jail <b>Agency:</b> <b>Court:</b> SC2-GHC Superior Court 2 <b>Cause No:</b> 15-1-126-7 <b>Bail Amount:</b> \$50,000.00 <b>Disposition:</b> BBS-Bondable Bail Set</p>	<p>Seq# 2</p>
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<p><b>Booked</b> 3/24/2015 11:00:00 PM</p>	<p><b>Statute:</b> <u>9A.36.021</u> - Assault 2 <b>Offense:</b> WARA - Warrant Arrest</p> <p><b>Arrest Type:</b> WAR <b>Charging Agency:</b> GHCJ-Grays Harbor County Jail <b>Agency:</b> <b>Court:</b> SC2-GHC Superior Court 2 <b>Cause No:</b> 15-1-126-7 <b>Bail Amount:</b> \$50,000.00 <b>Disposition:</b> BBS-Bondable Bail Set</p>	<p>Seq# 2</p>
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# Appendix D

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**FILED**

FEB 24 2015

DISTRICT COURT  
GRAYS HARBOR COUNTY

GRAYS HARBOR DISTRICT COURT, DEPARTMENT NO 1

STATE OF WASHINGTON

Plaintiff.

No

2015057

v

CRIMINAL COMPLAINT  
PRELIMINARY HEARING

WILLIAM W LUMPKINS

DOB 06-21-1981

Defendant

LEA # APD 15-A03141

The undersigned, under penalty of perjury under the laws of the State of Washington, certifies as follows

I am the Prosecuting Attorney for Grays Harbor County

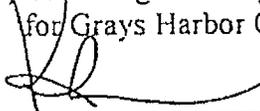
That I have reasonable grounds to believe, and do believe, the defendant committed the crime(s) of RAPE IN THE FIRST DEGREE, as follows

That the said defendant, William W Lumpkins, in Grays Harbor County, Washington, on or about February 20, 2015 did engage in sexual intercourse by forcible compulsion with S S and did inflict serious physical injury upon S S

CONTRARY TO RCW 9A 44 040(1)(c) and against the peace and dignity of the State of Washington

DATED this 24 day of February, 2015, at Montesano, Washington

KATHERINE L SVOBODA  
Prosecuting Attorney  
for Grays Harbor County

  
WSBA #34097

KLS/lh

CRIMINAL COMPLAINT - 1

PROSECUTING ATTORNEY  
GRAYS HARBOR COUNTY COURTHOUSE  
132 WEST BROADWAY ROOM 102  
MONTESANO WA 98563  
(360) 242-3951 FAX 249-6064

# Appendix E

D0071I More records available.

DD1000PI

08/05/15 10:49:48

DD1000MI Case Docket Inquiry (CDK)

GRAYS HARBOR DIST #1 PUB

Case: 2015057 ABP CF Csh:

Pty: DEF 1 StID:

Name: LUMPKINS, WILLIAM W

NmCd: IN 811 89101

Name: LUMPKINS, WILLIAM W

Cln Sts:

RAPE 1

Note:

Case: 2015057 ABP CF Criminal Felony

N

02 24 2015 TAC PRESIDING

CHARGES AND RIGHTS READ

COURT FINDS PC THAT THE DEF COMMITED THE CRIME AS CHARGED

FINANCIAL AFFIDAVIT FILED

COURT WILL APPOINT ATTORNEY COLACURCIO

ORDER SETTING RELEASE CONDITIONS/ORDER SETTING BAIL

ATY 52 COLACURCIO, BRETT DINO Added as Participant

PTR NFEL Set for 03/10/2015 01:00 PM

in Room 202 with Judge DLM

\*\*SET FOR FELONY PRELIM 3/10/15

DEF WIFE KRISTINA BROOKHOUSER ADDRESSES THE COURT

---BAIL IS SET AT \$100,000---

ADMINISTRATIVE Warrant Issued Manually on 02/24/2015 for

Probable Cause

LDF

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# Appendix F

2015 MAR 24 AM 9:00

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

WILLIAM W. LUMPKINS,  
DOB: 06-21-1981

Defendant.

No.: 15-1-126-7

INFORMATION

P.A. No.: CR15-0090

P.R. No.: APD 15-A03141

I, Katherine L. Svoboda, Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Information do accuse the defendant of the crime(s) of RAPE IN THE FIRST DEGREE and ASSAULT IN THE SECOND DEGREE WITH SEXUAL MOTIVATION, committed as follows:

COUNT 1.

That the said defendant, William W. Lumpkins, in Grays Harbor County, Washington, on or about February 20, 2015, did engage in sexual intercourse by forcible compulsion with S. S. and did inflict serious physical injury upon S. S.;

CONTRARY TO RCW 9A.44.040(1)(c) and against the peace and dignity of the State of Washington.

COUNT 2.

And I, Katherine L. Svoboda, Prosecuting Attorney aforesaid, further do accuse the defendant of the crime of ASSAULT IN THE SECOND DEGREE WITH SEXUAL MOTIVATION, a crime based on a series of acts connected together with Count 1, committed as follows:

1 That the said defendant, William W. Lumpkins, in Grays Harbor  
2 County, Washington, on or about February 20, 2015, did  
3 intentionally assault S.S. and thereby did recklessly inflict  
4 substantial bodily harm, and/or did intentionally assault S.S. by  
strangulation;

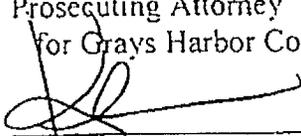
5 CONTRARY TO RCW 9A.36.021(1)(a)(g) and against the peace and dignity of the State of  
6 Washington.

7 The State does further allege that one of the purposes for which the defendant committed the above  
8 act was for the purpose of his sexual gratification.

9 CONTRARY TO RCW 9.94A.835 and RCW 9.94A.030 and against the peace and dignity of the  
10 State of Washington.

11 DATED this 14 day of March, 2015.

12 KATHERINE L. SVOBODA  
13 Prosecuting Attorney  
14 for Grays Harbor County

15   
16 \_\_\_\_\_  
17 WSBA #34097

18 KLS/ws

# Appendix G

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR GRAYS HARBOR COUNTY

CAUSE NO: 15-1-126-7  
COURT CONVENES AT: 1:30 p.m.  
DATE: 8-6-2015

STATE OF WASHINGTON

Plaintiff  
VS.  
WILLIAM LUMPKINS

HON. JUDGE: F MARK MCCAULEY

COURT REPORTER: CARMAN  
PRANTE

Defendant

COUNTY CLERK: CHERYL BROWN

DEPUTY CLERK: CINDY BALSLEY

EVIDENTARY HEARING

---

Cause comes on regularly for hearing at 1:30 P.M.. Plaintiff is represented by Katie Svoboda Prosecuting Attorney. Defendant is appearing in person is in custody is represented by counsel Mr. Kevin Johnson.

1:33 p.m. Court is in session

Mr. Johnson made an opening statement concerning the State's request for a continuance..

1:38 p.m. Court is in recess

1:57 p.m. Court is back in session

Court will continue step by step on motion made to dismiss one at a time

Mr. Johnson first motion to Dismiss Count 1 and Count II was the argument of lack of physical evidence.

Ms. Svoboda argued the motion

Court denies motion

2:06 p.m. Mr. Johnson's 2<sup>nd</sup> motion the suggestive photos montage used by police for line up and photo was 2 years old.

Ms. Svoboda called Detective Jeff Weiss, objections by Mr. Johnson, overruled, Det. Weise is sworn in and testified.

Court Clerk marked States Exhibit #1- Photo Lineup Police Report,

Witness Id'd Exhibit #1 Photo Montage/Lineup, offered, no objections, admitted

Mr. Johnson Commenced cross examination of witness

Court Clerk marked Mr. Johnsons Exhibit #2- Photo

Witness Id'd Exhibit #2 Photo at time of Booking, offered ,an admitted

Court denies motion to suppress evidence is denied

2:36 p.m. Mr. Johnson argued next motion to suppress search warrant

2:46p.m. Ms. Svoboda objections and would like to recall Detective Weise, sworn in and testified

Mr. Johnson commenced cross examination of the witness

Court denies motion to suppress search warrant

Mr. Johnson argued motion concerning articles taken from home

2:55 p.m. Mr. Johnson called Christina Brookhouser, defendant's wife, sworn in and testified

Ms. Svoboda declined cross examination

Court denies motion

3:06 p.m. Motion on issues of time being held and arrest warrant and search warrant

Court Denies Motion.

Mr. Johnson strikes a couple of defendant's motion.

Page 2

3:14 p.m. Court recessed for afternoon break

3:41 p.m. Court is in session

Ms. Svoboda gave closing argument to continue to Monday, until she knows if the nurse is available to be here due to an illness of her mother in another state.

3:48 p.m. Mr. Johnson gave closing argument

Court rules to continue to Monday, counsel is to see Court Administrator for scheduling.

3:50 p.m. Court is adjourned

# Appendix H

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SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

IN RE PERSONAL RESTRAINT PETITION  
OF:

No.: 48341-6-II

WILLIAM W. LUMPKINS,

**DECLARATION OF  
KATHERINE L. SVOBODA**

**DECLARATION**

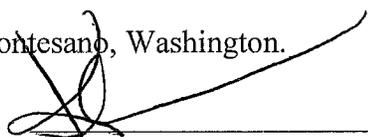
I, Katherine L. Svoboda, declare and states as follows:

1. I am the prosecuting attorney for Grays Harbor County and I am responsible for the case *State of Washington v. William Lumpkins*, cause no. 15-1-126-7. At the time this matter went to trial on October 15, 2015, S.S. was in custody on matters unrelated to the Petitioner's case.
2. S.S. was not offered or threatened with any inducement to testify in the Petitioner's case.
3. S.S. would not have to have served 30 days if she hadn't testified in this matter, although the trial court could have potentially held her in contempt if she refused to testify.
4. The State is unaware that potential contempt sanctions were ever discussed with S.S.

I declare under penalty of perjury under the laws of the State of Washington that the

above statement is true and correct.

DATED this 15 day of July, 2017, in Montesano, Washington.



KATHERINE L. SVOBODA  
Prosecuting Attorney

# GRAYS HARBOR CO PROS OFC

July 02, 2017 - 3:33 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 48341-6  
**Appellate Court Case Title:** State of Washington, Respondent v William W. Lumpkins, Appellant  
**Superior Court Case Number:** 15-1-00126-7

### The following documents have been uploaded:

- 7-483416\_Personal\_Restraint\_Petition\_20170702153239D2030042\_9505.pdf  
This File Contains:  
Personal Restraint Petition - Response to PRP/PSP  
*The Original File Name was RESPONSE TO PRP.pdf*

### A copy of the uploaded files will be sent to:

- SweigertJ@nwattorney.net
- kevinjohnson230@gmail.com

### Comments:

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Sender Name: Katie Svoboda - Email: ksvoboda@co.grays-harbor.wa.us  
Address:  
102 W BROADWAY AVE RM 102  
MONTESANO, WA, 98563-3621  
Phone: 360-249-3951

**Note: The Filing Id is 20170702153239D2030042**